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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,847	11/30/2005	Vladimir Markovic	PIP-051531	7088
56973 7590 09/17/2008 THE WATSON INTELLECTUAL PROPERTY GROUP, PLC 3133 HIGHLAND DRIVE SUITE 200 HUDSONVILLE, MI 49426				
EXAMINER				
BOEHLER, ANNE MARIE M				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/558,847

Applicant(s)

MARKOVIC, VLADIMIR

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ordeman et al. (USPN 5,501,480) in view of Jerenson (USPN 5,431,614).

Ordeman shows a supplemental driving system with a lever (crank to which handles 11, 27 are mounted) that applies manual pushing and pulling force to drive a wheel 3 mounted forward of the front wheels of a wheelchair. The handle of Figure 5 includes a semi-circular handle with a number of possible gripping areas 45, 47.

Ordeman lacks a lever that reciprocates to drive the wheel in one direction in response to lever movement in both forward and rearward directions.

Jerenson shows a steerable drive wheel with a lever connected to a driving mechanism 22 to drive a wheel 34 in one direction in response to movement of the handle in both directions.

It would have been obvious to one of ordinary skill in the art to provide the Ordeman vehicle with a reciprocating drive mechanism, as taught by Jerenson, in order to provide reciprocating manual drive for the vehicle.

3. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ordeman and Jerenson as applied to claims 5-7 and 9-11 above, and further in view of Beddome et al. (USPN 5,242,179).

The combination fails to show the drive mechanism carrier pivotable so that the drive mechanism can be stowed under the seat.

Beddone shows an exercise device with a carrier 150 pivotally mounted to wheelchair such that the device may be rotated to a stowed position below the seat.

It would have been obvious to pivotally connect a portion of the carrier of the combination, as taught by Beddone, in order to facilitate storage of the device below the seat.

4. Applicant's arguments with respect to claims 5-12 have been considered but are moot in view of the new ground(s) of rejection.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wimmer shows a wheelchair with a driving attachment having hand levers that operate to drive the wheelchair.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M Boehler/
Primary Examiner, Art Unit 3611

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Primary Examiner
Art Unit 3611

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